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If we answered "No" to excessive force of a defendant. Can that defendant still be charged with punitive damages?

9-12-07 1-35pm on page 11 of Jury Instructions, item # 3 States we are to consider the defendants financial condition...

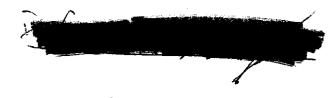
Does this mean the defendants

Lo consider defendants finacial

Condition? We don't

have information on his

financial Condition.



9-12-07

1:30pm

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TO THE JURY:

In response to your first question, if you answer "No" to the question of excessive force to a given Defendant, then you cannot award compensatory or punitive damages against that Defendant.

In response to your second question, Jury Instruction No. 11 sets forth various factors for you to consider in determining the amount of punitive damages to award. It is up to you to determine, based on the evidence, what weight, if any, to give to each of those factors.

RICHARD H. KYLE

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